

ILLINOIS REGISTER

Rules and Regulations of Governmental Agencies



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EDITOR'S NOTESPECIAL NOTICE TO ALL AGENCIES

AS OF JANUARY 1, 1978 ALL AGENCIES CAME UNDER THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT.

- A. Per the Administrative Procedure Act - Section 7.01, any rule on file with the Secretary of State, on January 1, 1978 shall be void 60 days after that date unless within 60 day period the issuing agency certifies to the Secretary of State that the rules are currently in effect.
- B. ONLY the following Agencies rules have been certified with the Secretary of State (Rules & Regulations) for the year 1978. All rules listed are in their entirety unless so listed otherwise: AS OF FEBRUARY 10, 1978.

1. Secretary of State
2. State Treasurer
3. University Civil Service
4. Department of Corrections
5. Illinois Racing Board
6. University Retirement System
7. Illinois Educational Facilities Authority
8. Department of Agriculture
9. Health Facilities Planning Board
10. State Board of Elections
11. Comprehensive State Health Planning Agency
12. Illinois Local Government Law Enforcement Officers Training Board
13. Department of Transportation Uniform Traffic Control Devices (Only)
14. Illinois Legislative Investigating Commission
15. Pollution Control Board
16. Illinois Aeronautics Board
17. Prisoner Review Board
18. Department of Mines and Minerals
19. Department of Registration and Registration
20. Department of Revenue
21. Board of Ethics
22. Department of Business and Economic Development
23. State Fire Marshall

- 24. State Employees Retirement System
- 25. Dangerous Drugs
- 26. Illinois Department of Personnel
 - A. Rules of The Department of Personnel
 - B. Position Classification Plan
 - C. Rules & Regulations of Collective Bargaining
 - D. Pay Plan

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PRISONER REVIEW BOARD

NOTICE OF EMERGENCY RULEMAKING

Emergency Rules Become Effective Upon Filing with the
Secretary of State and Remain Effective for a
Period Not to Exceed 150 Days

Agency: The Prisoner Review Board

Statutory Authorization: Public Act 80-1099 (popularly known as House Bill 1500 or "Class X") amending Chapter 38, Sections 1003-3-1 and 1003-3-2.

Effective Date of Rules: February 1, 1978

Description and Purpose of Emergency Rules: The emergency status is attributable to Public Act 80-1099 (popularly known as House Bill 1500 or "Class X") which abolished the Parole and Pardon Board, replacing it with the Prisoner Review Board, independent of the Department of Corrections.

RULES OF
PRISONER REVIEW BOARD

The following are the rules adopted by the Prisoner Review Board and filed with the Index Division of the Office of the Secretary of State on an emergency basis. The emergency status is attributable to Public Act 80-1099 (popularly known as House Bill 1500 or "Class X") which abolished the Parole and Pardon Board, replacing it with the Prisoner Review Board, independent of the Department of Corrections.

P.A. 80-1099 became effective on February 1, 1978. Specifically, amending Chapter 38, Sections 1003-3-1 and 1003-3-2. The text of the emergency rules is as follows:

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RULES OF THE PRISONER REVIEW BOARD

I. ADMINISTRATION

- A. By action of the members of the Prisoner Review Board, orders of parole or conditions of parole as well as statutory parole and mandatory releases and all continuances ordered by the former Parole and Pardon Board are adopted.

B. Duties of the Chairman

Full administrative authority for conducting the business of the Illinois Prisoner Review Board shall be vested in the Chairman, including but not limited to the time and place of assignment of members, institutional assignments, time and place of Board conferences, opening and adjournment times of Board meetings, caucuses and conferences, and such other general administrative powers as shall be necessary to effectively carry out the work of said Board.

The Chairman shall preside at meetings of the Board and may appoint another member as Acting Chairman in the event of his absence. He shall also name presiding members of panels of the Board.

Upon the request of three members of the Board he shall schedule a special meeting of the Board at a reasonable time and at a suitable location.

C. Hearing Panels

1. Adult Panels. The Board may meet and order its actions in panels for purposes of granting and revoking parole. The action of a majority of a panel shall be the action of the Board. Each panel shall consist of at least three members of the Board or as otherwise required by statute.

2. Juvenile Panels. The authority of the Board for persons in the custody of the Juvenile Division shall be exercised by a panel of at least three members or as otherwise required by statute. At least a majority of the members of the panel deciding a case must be experienced in the field of juvenile matters. The interview for parole revocation of a juvenile shall be conducted by a member qualified in juvenile matters.
3. In any instance where a tie vote shall result, the matter under consideration shall be referred to the full Board for determination.
4. En Banc Considerations. The Chairman or a majority of the members of a panel hearing a case upon which a decision has not been rendered may cause that case to be considered by the full Board at the next scheduled full Board meeting.

The full Board will determine whether or not future considerations of cases handled by the full Board are to be en banc.

II. ELIGIBILITY FOR PAROLE

A. Adult Division

Every person serving one or more indeterminate terms of imprisonment for felony charges in the custody of the Department of Corrections shall be eligible for parole when he has served:

1. The minimum term or terms of indeterminate sentences, less "good time" or 20 years, less "good time", whichever is less, or
2. Twenty years of a life sentence imposed prior to the law in effect on February 1, 1978, less "good time", or

3. One-third of a definite sentence imposed prior to January 1, 1962, less "good time", or 20 years less "good time", whichever is less.
4. In each case, "good time" shall be deducted as prescribed by the regulations of the Department of Corrections, providing for the diminution of sentences as required by statute.
5. Persons sentenced or adjudicated under the provisions of the Unified Code of Corrections in effect January 1, 1973 but prior to February 1, 1978, if not sooner released on parole shall be granted parole according to the following schedule:
 - a) A person who has served his maximum term of imprisonment, less "good time" shall be released to serve the statutorily prescribed period of parole.
 - b) A first offender under the Juvenile Court Act shall be released on parole on or before his 20th birthday.

Persons sentenced or adjudicated under the law in effect on and after February 1, 1978 or who have accepted release dates set by the Board in accordance with prescribed procedure shall be released on their release dates provided they agree in writing to accept conditions or such other sanctions as prescribed by the Board.

6. Indeterminate consecutive sentences which may be aggregated will be treated as one long sentence for purposes of parole eligibility. Such persons will be eligible for parole when they have served 20 years less "good time" or sooner according to the schedule set forth above.

B. Juveniles

Every person serving a juvenile commitment to the Department of Corrections as a delinquent shall be eligible for parole without regard to the length of time the person has been confined. Juveniles serving felony sentences imposed in accordance with law effective October 1, 1977 shall attain parole eligibility as prescribed for adults above.

III. PREPARATION FOR PAROLE HEARING

A. Adult Docketing

Sixty days prior to the date of scheduled hearing, the chief administrative officers of the respective institutions shall submit preliminary dockets to the Board, listing all who are eligible for consideration on that docket. Thirty days prior to the hearings, the dockets will be closed, precluding any additions or subtractions because of transfers, recent admissions or recalculation of sentence credits.

1. Parole progress reports, conduct reports and any other reports requested of institution staff will be required in the office of the Board by Wednesday of the week preceding the hearings.
2. Persons in adult facilities of the Department whose cases have been considered on prior occasions and have been continued to future dates shall have their names placed on the docket for hearing during the month designated by the Board at their previous hearing, which date shall not be longer than three years from the last hearing and denial of parole, said docketing being subject to advancement by reason of institution credits.

3. Persons serving concurrent sentences shall have their names placed on the dockets when they are eligible to be considered for parole under the longest minimum sentence.
4. All alleged parole violators who have been returned to the custody of the Department shall be docketed and heard in accordance with provisions of Rule XV-A.

B. Juvenile Docketing

Chief administrative officers of juvenile facilities shall report the cases to be heard at times scheduled by the Board at such time and in such fashion as prescribed by the Board. Juveniles serving felony sentences shall be docketed in the same fashion and time frame prescribed above for adults.

1. Alleged juvenile parole violators returned to the custody of the Department shall be docketed and heard at the next scheduled hearing for that institution following the compilation of all documentation related to the alleged parole violation.
2. Persons committed to the Department as delinquents shall be presented to the Board for parole consideration before 11 months of the commitment have expired.

C. Reasons for Parole Denial

Persons committed to the Department of Corrections as delinquents shall not be paroled by the Board if the Board determines:

- a) The youth is in need of further institutional rehabilitative programs.
- b) Parole would not be in the best interest of the youth and/or the community.

- D. Youth committed under the Juvenile Court Act are first eligible for parole at the discretion of the superintendent of their facility.
- E. In the event of parole denial of a youth committed under the provisions of the Juvenile Court Act, the case may be resubmitted to the Board for further consideration at the discretion of the superintendent, but with the concurrence of the Chairman or his designee, within 90 days.
- F. Any person returned to the Department of Corrections from the Department of Mental Health and who is eligible for parole and has not had a parole hearing within the preceding six months shall be docketed for parole consideration within 45 days following return to the Department.
- G. Parole Plan. Adult parole prospects shall submit written parole plans to the clinical staff of the institution for inclusion in the institution's reports to the Board.

Parole plans for juveniles shall be prepared by the clinical staff in conjunction with the youth. Such plans shall include where and with whom he will live, location in terms of employment and/or school attendance and family relationships and obligations to be assumed on release.

IV. THE PAROLE HEARING

A. Panels

Panels of members of the Prisoner Review Board shall hold hearings at the various institutions and facilities each month. Interviewing members of the Board will hear those cases of persons whose names appear on the respective dockets for hearing.

B. Appearances and Notices

Fifteen days or otherwise reasonably prior to the first hearing of felony cases, notices shall be given by the Board to the State's Attorney of the county from which the person was committed and to the complaining witnesses (aggrieved parties).

Interviewing members will hear applications and shall consider written responses, correspondence, and summary reports of interviews of persons who support or oppose parole or, where requested, allow such persons to make personal appearances.

An interviewing member may administer an oath to the prospective parolee and to any person who appears to be heard.

The Board may in its discretion consider and parole a prospective parolee, who is then outside the jurisdiction of Illinois, on his record without a personal interview, which may be waived by the prospective parolee.

C. Records Access *

A parole candidate shall have access to all documents which the Board considers in denying parole or setting a release date. If such documents have not been disclosed to the candidate before the interview, they shall be disclosed to him during the interview. If, in light of the documents, the candidate so desires, he shall be granted a 30-day continuance.

* Effective April 1, 1978

D. Conference

1. At the conclusion of the interview the interviewing Board member or members who interviewed the prospective parolee shall make a summary report of pertinent information concerning:
 - a) The institutional record.
 - b) The interview of the individual.
 - c) Those who appeared or addressed comment to the Board.
2. The members of the Board shall meet in conference at the institution or facility and consider the cases of all persons heard on the respective docket. In addition to the summary report of the Board member concerning the interview, the panel shall consider the following:

- a) Material submitted by the clerk of the committing court at the time of commitment to the Department of Corrections, including the sentence or adjudication, any pre-sentence reports and the statement by the State's Attorney and any statement by the attorney who represented the applicant at his original sentencing.
 - b) The clinical evaluation prepared by the Department of Corrections at the time of commitment.
 - c) Any reports by the Department and the chief administrative officer concerning the individual.
 - d) A parole progress report.
 - e) Any medical or psychiatric reports available to the Board.
 - f) Any relevant material submitted by the prospective parolee.
- 3. The Board may consider any other information in the file or submitted in support or opposition to parole by other persons.
 - 4. Oral arguments in favor of or in opposition to parole will not be heard by the panel in conference.

V. BASIS FOR DENYING PAROLE

In accordance with statute, the Board shall not parole a candidate if it determines that:

- A. There is a substantial risk that the candidate will not conform to reasonable conditions of parole based on one or more of the following factors:
 - 1. Existence of prior adult felony convictions (mitigating as well as aggravating factors to be considered).

2. An apparent pattern of aggressive or assaultive behavior (misdemeanor offenses also considered).
 3. Prior adult parole or probation violations within five years prior to the present offense.
 4. Refusal to be supervised on parole.
 5. No means of financial support or no place of residence. (Continuance not to exceed six months to seek resolution of problem.)
 6. A psychiatric examination determines the candidate is not optimally likely to conform.
- B. Release of the candidate would deprecate the seriousness of the offense or promote disrespect for the law, based on one or more of the following factors:
1. The offense is one of murder, attempted murder or killing of an individual, robbery with a weapon, rape, indecent liberties, deviate sexual assault, aggravated kidnapping or kidnapping for ransom, armed violence, treason, aggravated arson, treason or calculated criminal drug conspiracy.
 2. The aggravating as well as mitigating circumstances as described in Chapter 38, Sections 1005-5-3.1 and 1005-5-3.2, Illinois Revised Statutes.
- C. Release would have a substantially adverse effect on institutional discipline based on one or more of the following factors as established by the finding of an Administrative Review Board.
1. Physical attack on another inmate or institutional staff.
 2. Possession of weapons or drugs.

3. Repeated violation of major institutional rules.

4. Violation of any act prohibited by law.

VI. ORDER OF PAROLE

If the members of the Board in conference determine that the parole should be allowed, they will enter an order for parole, setting the date of release to parole, allowing good time credits to apply. The order of a panel shall be the order of the Board and shall be delivered to the inmate within seven (7) days of its entry.

VII. DENIAL OF PAROLE

A. If the members of the Board in conference determine that parole will be denied in felony cases, the Board will continue the matter to a future date, that date being no assurance that parole will be given at that time. Continuances will not exceed one year unless the minimum sentence is 20 years or more and there have not been more than four prior orders denying parole.

The order of denial will be delivered to the inmate within seven (7) days of its entry and will also contain a release date set by the Board. The inmate then has 60 days from delivery of that order to choose between continued parole eligibility and the fixed release date. If he accepts the release date he gives up any further right to seek parole. The order shall contain the reason or reasons for denial based on No. V above and a concise statement of facts supporting the reason or reasons given. The order shall also contain the reason or reasons for the release date set.

B. Response from the inmate as to acceptance of the release date or continued parole eligibility shall be delivered to the record office of the institution for transmittal to the Board. Failure to respond within 60 days will result in continued parole eligibility.

- C. Within the same 60 days the prisoner may request reconsideration of the release date, said request shall be made on the form prescribed by the Board and delivered to the record office for transmittal to the Board. Such request for reconsideration must be accompanied with substantial reason and any available documentation in support of such reason to qualify for Board consideration.

VIII. CONDITIONS OF RELEASE

Persons released under any form of supervision, mandatory release, mandatory supervised release, statutory parole or parole, are subject to rules of conduct prescribed by the Board and any special conditions deemed appropriate by the Board in individual cases. Said conditions for release to other than discretionary parole will be set without an interview.

IX. RESCISSION OF PAROLE ORDER

- A. Rescission means withdrawal of an unimplemented grant of parole.
- B. When the Board becomes aware of information which might justify rescission of a parole, it shall not rescind the parole unless it first gives the person whose parole may be rescinded a hearing.
- C. The person shall be given advance written notice of the hearing, a reasonable time (but not less than three (3) days) before it is to take place. The notice shall state fully why the Board is considering rescission.
- D. If the ground for rescission is an institutional disciplinary violation and the person has been found guilty of that violation at a hearing complying with Department of Corrections Administrative Regulation 804, the Board shall not be required to hear further evidence on the matter or make a factual determination of guilt or innocence but may accept as conclusive the findings of the Institutional Adjustment Committee. If the Board does accept the Adjustment Committee's finding, the person shall be permitted to show why, notwithstanding a finding of guilt, he should be released on parole.

- E. If the basis for rescission is an institutional disciplinary violation and the person has not received a hearing on the violation under Department of Corrections Administrative Regulation 804, the Board shall continue the matter for not longer than 30 days so that the institution involved may conduct such a hearing.
- F. The Board shall make its decision and notify the person of that decision and the reason or reasons for it in writing within a reasonable time (but not more than seven (7) days in the case of a panel hearing and not more than thirty (30) days in the case of an en banc hearing.)

X. REHEARING

- A. A rehearing will be granted only by the affirmative action of the Board in conference.

After a parole is denied, a rehearing may be requested by the person who was denied parole or another in his behalf. Such request must be made in writing and must set forth new facts or extraordinary circumstances which could not have been known to the parole applicant at the time of his interview by the Board member, or new facts or extraordinary circumstances which have arisen subsequent to the time of the interview, or both, which have not been previously considered.

- B. Oral arguments in support of the request for rehearing will not be permitted.
- C. When a rehearing request is granted by the Board, the person making the request shall be notified in writing and the case shall be placed on a subsequent docket for hearing.

XI. ARRANGEMENTS FOR PAROLE

- A. When an order for release on parole is entered, it shall not be effective and the applicant shall not be released until the Office of Adult Field or Parole Services or Family and Youth Counseling Services has satisfied itself that suitable arrangements have been made for:
 - 1. The applicant's gainful employment and/or educational or training programs and

2. for a proper and approved residence. The chief administrative officer of the institution shall have the authority to hold the prospective parolee until these arrangements have been approved. If the applicant is not released within 90 days from the date of the order granting parole, the chief administrative officer shall notify the Executive Secretary of the Board and the matter will be reviewed by the Board.

An applicant who has been granted parole but violated institution rules prior to release on parole, may, in the discretion of the chief administrative officer, be held for further consideration by the Board.

XII. CONDITIONS OF PAROLE OR MANDATORY SUPERVISED RELEASE

A. Adult Division

1. Until final discharge, the releasee shall at all times be under the legal custody of the Department of Corrections, subject to being retaken at any time, with the establishment of probable cause and with the lodging of a warrant, within the enclosure of an Illinois state correctional center.
2. The releasee is obligated to comply with all rules, regulations and orders and subsequent amendments thereto of the Prisoner Review Board and of Adult Parole Services of the Department of Corrections.
3. The releasee must comply with the instructions of his Department of Corrections agent (if paroled or released out of state, obedience to the rules of both states is required) and the following Board special orders:

4. The releasee must obey all municipal, county, state and federal laws and ordinances.
5. The releasee must consult and seek the advice of his agent before:
 - a) going into debt in excess of one-half of his monthly net income;
 - b) visiting or writing to correctional center residents.
6. The releasee shall not leave the state without prior written permission of his agent, except for legitimate travel to an adjacent state.
7. The releasee is to:
 - a) Maintain employment and support his dependents; if not employed, he is to seek work or participate in educational or vocational training.
 - b) Submit a written report, on forms provided, on the first day of every month.
8. The releasee shall not own, possess, use, sell, or have under his control any firearms or dangerous weapons.

B. Juvenile Division

1. The ward shall observe and obey all municipal, county, state and federal laws, ordinances and regulations, including curfew.
2. The ward must not falsify his or her name, age or address under any circumstances.
3. The ward shall not leave the state without the prior written permission of the Family and Youth Counselor, unless he or she is going to a neighboring state just for a day or two in the company of his or her family.

4. Changes of home address and/or telephone number shall be reported to the Family and Youth Counselor immediately.
5. The ward shall not use, carry or possess any weapon or weapons of any kind or description.
6. The ward shall abstain from the use of intoxicating beverages, if he or she is under the legal age. The use of narcotic drugs, controlled substance, and marijuana prohibited by law, will be grounds for parole violation.
7. The ward shall not operate a motor vehicle without a valid driver's license.
8. If the ward is of mandatory school age, he or she must, during the school term, attend school regularly and if he or she is over mandatory school age, he or she must either attend school or be gainfully employed, and in the event he or she fails to obtain employment, he or she must cooperate with the Family and Youth Counselor in an effort to obtain help with employment.
9. If the ward is not of legal age, he or she shall not marry without the consent of his or her parent or legal guardian and this consent made known to the Family and Youth Counselor.
10. The ward shall comply with any special conditions of parole prescribed by the Prisoner Review Board which has jurisdiction over wards of the Juvenile Division.

XIII. LENGTH OF ADULT PAROLE AND DISCHARGE

- A. Parolees shall be under the continuous supervision of the Division of Field or Parole Services of the Department of Corrections according to the following schedule:
 1. Persons sentenced or adjudicated under statutes existing prior to January 1, 1973 shall be on parole until the expiration of the maximum periods of their sentences subject, however, to earlier discharge under paragraph (3).

2. Persons sentenced or adjudicated under the provisions of the Unified Code of Corrections prior to February 1, 1978 shall be on parole as follows, subject, however, to earlier discharge under paragraph (3):
 - a) For murder or a Class X Felony, 3 years.
 - b) For a Class 1 or 2 felony, 2 years.
 - c) For a Class 3 or 4 felony, 1 year.
 3. The Prisoner Review Board may enter an order releasing and discharging a parolee or mandatory supervised releasee from supervision (with court approval for juveniles) and his commitment to the Department when it determines that he is likely to remain at liberty without committing another offense.
 4. Issuance of a discharge by the Board shall be within the discretion of the Board and shall be conditioned upon the favorable recommendation of the Office of Field or Parole Services, based on the parolee's or mandatory supervised releasee's faithful conformance to the terms of his parole agreement. In extraordinary circumstances and on the recommendation of the Office of Field or Parole Services the Board may, in its discretion, grant a final discharge at an earlier date.
 5. The order of discharge for adults shall become effective upon entry of an order of the Board. When approved by the Governor, said order shall operate as a commutation of sentence. The Board shall notify the clerk of the committing court of the order.
- B. The parole period of a juvenile committed as a delinquent to the Department under the Juvenile Court Act shall extend until he is 21 years of age unless sooner terminated by the Board, said termination being subject to Section 5-10 of the Juvenile Court Act.

C. Parole Outside Illinois

The Board, in its discretion, may parole a non-resident applicant or an applicant whose family, relatives, friends or employer reside outside of Illinois to a location outside of Illinois.

D. Parole to Warrant or Detainer

1. The Board, in its discretion, may parole an applicant to a warrant or detainer to serve his parole concurrently with another sentence. A condition of such parole may be that if the charge or charges on which the warrant or detainer is based are dismissed or satisfied prior to the expiration of his Illinois parole, the person shall be returned to Illinois to serve the remainder of his parole under the supervision of the Illinois Field or Parole Services Division unless the Board, in its discretion, orders that he be permitted to serve the remainder of his parole outside of Illinois or that he be discharged from parole.
2. If a person paroled to a warrant or detainer is sentenced to probation, or released on parole in another jurisdiction prior to the expiration of his Illinois parole, he shall serve his parole concurrently with his probation or parole in the other jurisdiction or in Illinois as ordered by the Board.

XIV. REVOCATION PROCEDURE

A. Preliminary Hearing

When it is charged that the parolee has violated a condition of his parole agreement, he shall be given a written notice informing him of the conditions of parole which have allegedly been violated and the manner in which they were violated. He shall be informed of the date, time, and place at which he will be called before a hearing officer authorized by the Prisoner Review Board for a preliminary hearing on the alleged violation.

At the preliminary hearing, the parolee may appear and speak in his own behalf; he may bring letters, documents, or individuals who can give relevant information to the hearing officer. On request of the parolee, persons who have given adverse information on which parole revocation is to be based shall be made available for questioning in his presence. However, if the hearing officer determines that the informant would be subjected to risk or harm if his identity were disclosed, he need not be subjected to confrontation and cross-examination. The hearing officer shall not be bound by the strict rules of evidence.

If the officer finds from the information presented at the preliminary hearing that there is reasonable ground to believe that the alleged violation did occur, and that there is probable cause to hold the parolee for a final decision of the Prisoner Review Board on revocation, the parolee shall be returned to the institution or facility from which he was released on parole or to another facility of the Department of Corrections. The officer shall state in writing the reasons for his determination and indicate the basis for the determination. If the officer finds that there is reasonable ground to believe that the alleged violation did not occur, the parolee will be released to continue serving his parole.

The preliminary hearing shall be held within 10 days of the parolee's apprehension unless continued by the hearing officer for up to an additional two weeks to permit the production of witnesses or materials relevant to the hearing.

B. Subpoenas

The Prisoner Review Board or parolee who has allegedly violated his parole may request by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman of the Prisoner Review Board may sign subpoenas when, in his judgment, the relevance of testimony of the witness is substantial. Subpoenas shall be served by any agent or public official authorized by the Chairman of the Illinois Prisoner Review Board, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the state to a hearing location within 150 miles of the place where the violation is alleged to have occurred, and before the Chairman of the Illinois Prisoner Review Board or his designated

agent or agents or any duly constituted committee or subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the state, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the state. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In cases of disobedience to a subpoena, the Board may petition any circuit court of the state for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of the investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

XV. REVOCATION HEARING

- A. If a parolee is returned to the institution or facility for an alleged violation of the terms of his parole agreement his name shall be placed on the next regular hearing docket at the institution or facility where he is confined, provided

that his return to the institution or facility is at least 30 days prior to the next scheduled meeting of a panel of the Board at the institution or facility.

The parolee having received written notice setting forth the alleged violation of his parole agreement which has been charged against him shall be entitled to disclosure of evidence against him, opportunity to be heard in person and to present witnesses and documentary evidence and shall have the right to confront and cross-examine adverse witnesses (unless the panel member specifically finds good cause for not allowing confrontation).

A hearing on revocation shall be conducted before at least one member of the panel. The member will interview the parolee, any witnesses, and any persons who appear in support of the charge of violation. Each member of the Board shall have the power to administer oaths and to take the testimony of persons under oath.

The member will also consider all reports and written affidavits submitted on behalf of the parolee or in support of the charge against him.

The member shall make a record of the hearing including a summary of the statements of the parolee and any persons who appear at the hearing. The member shall not be bound by the strict rules of evidence in conducting the hearing.

The members of the panel will decide in closed conference the cases of any persons alleged to have violated their parole agreements. The action of a panel will be the action of the Board.

The Board may revoke parole for violation of a condition occurring before the expiration of the parole term even though a determination of the alleged violation cannot be reasonably made until after the expiration of the parole term.

The issuance of a warrant for an alleged violation of the conditions of parole shall toll the running of the term of parole until the final determination of the charge, but if parole is not revoked, that period shall be credited as time served on parole.

If a panel determines that the parolee has violated any of the terms and conditions of parole, it shall issue a written statement as to the evidence relied on and the reasons for revoking parole. The parolee shall receive a copy of this statement.

XVI. DISPOSITIONS

- A. If the panel shall determine that a parole violation has in fact occurred, it may:
1. Order that parole be continued with or without modifying or enlarging the conditions of the parole agreement, or
 2. parole the person to a halfway house; or
 3. in adult cases, revoke the parole and reconfine the person for a term computed in the following manner:
 - a) Persons adjudicated under the code in effect prior to February 1, 1978 shall be recommitted for that portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole, and, in addition, the parole term less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked, less "good time".
 - b) All persons shall be given credit against the term of recommitment for time spent in custody since parole began which has not been credited against another sentence or period of confinement.

- c) In the event of violation of mandatory supervised release, the violator will be reconfined for the unserved portion of the mandatory supervised release period, plus any good time (not to exceed one year) revoked on account of the violation.

- 4. In juvenile cases, the provisions of the Juvenile Court Act shall prevail.

XVII GOOD TIME REVOCATIONS AND RESTORATIONS

- A. Good time recommendations by the Department of Corrections for persons serving determinate sentences or serving toward release dates set by the Board and accepted by them, may be submitted to the Board by the Director on an individual case basis. All recommendations delivered to the office of the Board more than 15 days prior to hearing the parole docket, will be added to that docket for hearing. A member of the disciplinary committee of the institution shall be available to appear before the Board if requested.

Recommendations for restoration of good time will be acted on by the Board in conference without a hearing.

XVIII.

RULES GOVERNING PETITIONS
FOR EXECUTIVE CLEMENCY
(PARDON OR COMMUTATION OF SENTENCE)

1. All applications for pardons, reprieves and commutations of sentence or adjudication shall be made by written petition, addressed to the Governor and filed in the office of the Prisoner Review Board at Springfield. The original and four copies of the petition must be filed at least thirty (30) days prior to any scheduled meeting of the Board for the purpose of hearing petitions for executive clemency. The petition shall conform to the following requirements:
 - (A) The petition shall contain a brief history of the case, a brief biography of the petitioner, setting forth his full and correct name, any aliases he may have used during his lifetime, his age, place of birth, the different places where he has resided, the years of residence in each place, the occupations pursued in each locality, and the specific reasons why a pardon or commutation of sentence should be granted.
 - (B) It shall be signed by the applicant or other person in his behalf.
 - (C) If signed by another person, the full address of such person shall be given, and his relation to the applicant stated.
2. Copies of the petition shall be furnished to the Sentencing Judge or, if for any reason this is not possible, to the Chief Judge of the Circuit in which sentence was imposed, and the Prosecuting State's Attorney, if available, and also to the present State's Attorney of the county from which the petitioner was committed in each case. Proof of such service may be made by a receipt of such official, or affidavit that it was posted, or a receipt of the United States Post Office if sent by registered or certified mail. Such proof of service shall accompany the petition.

3. Publication of intent to petition for executive clemency shall be made in a newspaper of common circulation in the county of commitment on at least two occasions no less than two weeks apart. Said notice shall contain the name of the petitioner, the offense for which he was convicted, the date of sentencing and the sentence imposed. Said notice shall invite any interested party to communicate their views to the offices of the Prisoner Review Board prior to the scheduled hearing date.
4. Where circumstances warrant or the exigencies of the case suggest, the Board may waive the requirement of publication of intent to file for executive clemency.
5. For each meeting of the Board, a docket shall be prepared listing all petitions filed thirty (30) days or more before the date of the meeting which have not been previously considered and which petitions comply with the applicable Statutes of Illinois and these Rules. Counsel and those who wish to be heard in favor of or in opposition to the respective petitions on the call of the docket, must register in person at the meeting of the Board.
6. The Board or a designated panel thereof will hear counsel or any other persons who appear in support of or in opposition to the petition at the scheduled public hearing. The Board will also consider petitions on the docket on which there are no appearances and may elect to hear petitioners who are in confinement.
7. No requirement herein shall preclude the Chairman or the Governor from calling a special session of the Board for the purpose of giving a hearing and consideration to any petition deemed to be of an emergency nature. All usual requirements shall be met insofar as is practical.
8. The Board will determine by majority vote in conference what its recommendation is on each petition and shall advise the Governor by a written report without publicity.

ILLINOIS DANGEROUS DRUGS COMMISSION
NOTICE OF PROPOSED RULEMAKING
PLACEMENT OF PHENCYCLIDINE IN SCHEDULE II OF THE
ILLINOIS CONTROLLED SUBSTANCES ACT

N O T I C E

The Illinois Dangerous Drugs Commission, pursuant to Illinois Revised Statutes, Chapter 56 1/2, Section 1201(d) proposes to amend by rule Schedules II(e) and III (d) of the Illinois Controlled Substances Act (Ill. Rev. Stats., Ch. 56 1/2, Secs. 1206(e) and 1208(d) by the inclusion of the drug PHENCYCLIDINE to Schedule II. The scheduling of PHENCYCLIDINE shall be in accordance with the Administrative Procedures Act (Ill. Rev. Stats., Ch. 127, Section 1001 et.seq.).

Interested persons may comment by submitting their views in writing to:

Illinois Dangerous Drugs Commission
c/o Mrs. Jean Kerst
300 North State Street
Suite 1500
Chicago, Illinois 60610

The Commission will consider all written comments received by the Commission within 45 days beginning on the date of publication of this Notice. The Commission shall transfer the drug PHENCYCLIDINE from Schedule III(d) to Schedule II(e) of the Illinois Controlled Substances Act by amending Rules 206 and 208 of the Rules prescribed by the Illinois Dangerous Drugs Commission pursuant to Article II of the "Illinois Controlled Substances Act" effective August 16, 1971, as amended under the authority vested in the Commission by the Illinois Controlled Substances Act (Ill. Rev. Stats., Ch. 56 1/2, Sec. 1201(d)) which provides that the Commission shall similarly schedule any substance which has been designated, rescheduled, or deleted under Federal law after the expiration of 30 days from publication in the Federal Register under a final order designating the substance as a controlled substance, unless within a 30 day period the Commission objects, or a party adversely affected files with the Commission substantial written objections, objecting to inclusion, rescheduling or deletion. On Wednesday, January 25, 1978, the Drug Enforcement Administration published in the Federal Register its final Rule designating the drug PHENCYCLIDINE as a Schedule II controlled substance.

The text of the proposed amendment to Rules 206 and 208 of the Rules prescribed by the Illinois Dangerous Drugs Commission pursuant to Article II of the "Illinois Controlled Substances Act" effective August 16, 1971, as amended, is as follows:

206. Schedule II -Enumeration.

- (a) The controlled substances listed in this section are included in Schedule II.
- (b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
 - (1) Opium and opiates, and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:
 - (1) Raw Opium
 - (2) Opium extracts;
 - (3) Opium fluid extracts;
 - (4) Powdered opium;
 - (5) Granulated opium;
 - (6) Tincture of opium;
 - (7) Codeine;
 - (8) Ethylmorphine;
 - (9) Etorphine Hydrochloride;
 - (10) Hydrocodone;
 - (11) Hydromorphone;
 - (12) Metopon;
 - (13) Morphine;
 - (14) Oxycodone;
 - (15) Oxymorphone;
 - (16) Thebaine.
 - (2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1), but not including the isoquinoline alkaloids of opium;
 - (3) Opium poppy and poppy straw;

-
- (4) Coca leaves and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine;
- (5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).
- (c) Unless specifically excepted or unless listed in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan excepted:
- (1) Alphaprodine;
 - (2) Anileridine;
 - (3) Bezitramide;
 - (4) Dihydrocodeine;
 - (5) Diphenoxylate;
 - (6) Fentanyl;
 - (7) Isomethadone;
 - (8) Levomethorphan;
 - (9) Levorphanol (Levorphan);
 - (10) Metazocine;
 - (11) Methadone;
 - (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl-1-butane;
 - (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid;
 - (14) Pethidine (meperidine);
 - (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - (18) Phenazocine;
 - (19) Piminodine;
 - (20) Racemethorphan;
 - (21) Racemorphan;
- (d) Unless specifically excepted or unless listed in another schedule, any material, compound,

mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers and salts of its optical isomers;
 - (2) Methamphetamine, its salts, isomers, and salts of its isomers.
- (e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Methaqualone;
 - (2) Amobarbital;
 - (3) Secobarbital;
 - (4) Pentobarbital;
 - (5) Phencyclidine

208. Schedule III -Enumeration

- (a) The controlled substances listed in this Section are included in Schedule III.
- (b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, (whether optical position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation;
 - (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on

August 25, 1971, as excepted compounds under Title 21, Code of Federal Regulations, Section 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Mazindol;
- (6) Phendimetrazine;

c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) phenmetrazine and its salts;
- (2) methylphenidate.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt of any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
- (2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the Federal Food and Drug Administration for marketing only as a suppository;
- (3) Any substance which contains any quantity

of a derivative of barbituric acid,
or any salt thereof:

- (4) Chlorhexadol;
 - (5) Glutethimide;
 - (6) Methypylon;
 - (7) Sulfondiethylmethane;
 - (8) Sulfonethylmethane;
 - (9) Sulformethane;
 - ~~(10) Phencyclidine;~~
 - (10) ~~(11)~~ Lysergic acid;
 - (11) ~~(12)~~ Lysergic acid amide;
- (e) Nalorphine.
- (f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
- (1) not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
 - (2) not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
 - (3) not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
 - (4) not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

- (5) not more than 1.8 grams of dihydrocodeine, or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- (6) not more than 300 milligrams of ethylmorphine or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- (8) not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- (f) The Commission may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

NOTICE
PROPOSED EMERGENCY AMENDMENT

The Older Americans Program of the Department of Health, Education, and Welfare, Office of Human Development, Administration on Aging, under whose regulations the majority of the programs of the Illinois Department on Aging function, has been reorganized and republished. Those regulations formerly appearing in 45 CFR, Chapter IX, are transferred to 45 CFR, Chapter XIII. The regulations thus added to Chapter XIII are redesignated as regulations in Subchapter C, Administration on Aging, Older Americans Program and are renumbered accordingly. The regulations have not been changed only renumbered.

These regulations are referred to by number in the Illinois Department on Aging Policy and Procedural Manuals. The Illinois Department proposes an emergency amendment amending all references to the Federal Regulations found in the Policy and Procedural Manual, Area Agency, Policy and Procedural Manual Grantee/Title III, and Policy and Procedural Manual, Grantee/Title VII, by changing the numbers of the Federal Regulations found in these manuals to correspond with the Federal Regulations as they are renumbered. The changing of the numbers of the regulations creates an emergency situation, constituting a threat to public interest. Therefore, pursuant to Section 5 (b) of the Illinois Administration Procedures Act (Ill. Rev. Stat. 1975, Chap. 127, Para. 1005 (b)) the Illinois Department on Aging is adopting this emergency amendment to the above mentioned Policy and Procedural Manuals.

In accordance with Section 6 (c)(2) of the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1975, Ch. 127, §1006 (c)) this rule is effective immediately upon filing with the Secretary of State. The Department will undertake appropriate measures to make known this emergency amendment to their rules to all persons affected by it.

All sections of the manuals affected by the renumbering of the regulations follow with the old reference numbers crossed out and the new reference numbers underlined.

If any interested persons wish to present their views concerning this emergency amendment to the rules of the Policy and Procedural Manuals of the Illinois Department on Aging, they may do so by sending written comments to the attention of Mrs. Josephine B. Oblinger, Director, Department on Aging, 2401 West Jefferson Street, Springfield, Illinois 62706. The Department will consider all written comments received by the Department within 14 days, beginning on the date of the publication of this notice.

POLICY AND PROCEDURAL MANUAL, AREA AGENCY ON AGING

02.70.000 Sources of Policy and Procedure

Summary

Material contained in this Policy and Procedural manual was developed from the following sources:

- a. The Older Americans Comprehensive Services Amendments of 1973, pub. L93-29, 87 Stat. 36-45.
- b. The Older Americans Act of 1965, as amended.
- c. Title 45, ~~Chapter IX of the Code of Federal Regulations.~~ Chapter XIII, Subchapter C, Administration on Aging, of the Code of Federal Regulations.
- d. Guidelines for Implementing Title III of the Older Americans Act of 1965, as amended. Administration on Aging, HEW, Fiscal 1974.
- e. Illinois Act on Aging of 1973, Public Act 78-242.
- f. FMC 74-7 and 74-4.
- g. Guide to Effective Project Operations, Administration on Aging, HEW.
- h. Illinois Revised Statutes of 1973.
- i. The COMSTAC Report: Standards for Strengthening Services.
- j. Policy issuance memoranda of the AoA or Department on Aging.
- k. Applicable Federal statutes.

04.10.000 General

Summary

The responsibilities of the Area Agency regarding its functions and major programs are delineated in detail in Part ~~903.66~~ 1321.66, Rules and Regulations, AoA Grants for State and Community programs on Aging. Reference to the related paragraphs should be made for an understanding of the requirements of Area Agency programs under Title III

04.50.100 Other Mandated Functions of the Area Agency

Policy of Freedom of Information

Pursue a policy of freedom of information. The Area Plan, all periodic reports made by the Area Agency to the Department, and all Federal and State policies governing the ad-

ministration of the Title III program in the area will be available at reasonable times and places in the offices of the Area Agency for review upon request by interested persons, including representatives of the media. OAA Regs. ~~903-68~~ 1321.68.

Collect and disseminate throughout its area information concerning the needs of older persons. OAA ~~903-66-(9)~~ 1321.66 (9).

06.00.100 Overview

Council on Aging

The Council on Aging acts as an advisory body to the Department on Aging. In this function the Council satisfies the requirement of the Older Americans Act for an advisory committee. OAA Regs. ~~903-50-(e)~~ 1321.50 (c). Consisting of 31 voting members, the Council has the power of review and comment regarding the State Plan, reports, and funding decisions of the Department.

Advisory Council

Each Area Agency has established an Advisory Council. OAA Regs. ~~903-66-(3)~~ 1321.66 (3). The Council is responsible for advising the Area Agency on all matters related to the development and administration of the Area Plan.

06.10.210 Board of Directors

Representation

The membership of the Board of Directors will reflect proportionate geographic representation of older persons throughout the Area Agency's jurisdiction; as well as representation from locally elected officials, organized older persons groups, minority and low income persons, public and private agencies, and educational districts.

The advantages of the aforementioned representation is that its composition provides for a reasonable and equitable form of representation as well as being in compliance with Section ~~903-66~~ 1321.66, paragraph 13, functions 13, Functions and Responsibilities of an Area Agency of the Federal regulations.

06.10.220 Area Agency Advisory Council

General

The Department requires that an Area Agency establish an Advisory Council with which to consult on matters relating to the administration of the Area Plan and projects conducted under the Plan. An Advisory Council is required under Title III of the Older Americans Act. Regs. ~~903-66-(13)~~ 1321.66(13).

Nutrition Project Representation

Where a nutrition project established under Part 909 1324 of Chapter ~~IX~~ XIII, Subchapter C, Administration on Aging, is located within the planning and service area for which an

Area Plan is developed, a representative of the Nutrition Project Council for such project shall also be included on the Area Agency Advisory Council. When more than one nutrition project is located within the planning and service area, the project councils shall designate one of their number to represent on the Advisory Council all the area nutrition projects.

Responsibilities

The Advisory Council has the following representative responsibilities:

1. To interpret the purposes, responsibilities, and functions of the Area Agency within its respective geographical area,
2. To provide input and to act as a catalyst as to the needs of the elderly and the gaps in services for the elderly on a geographical basis,
3. To identify existing and potential resources within the planning and service area,
4. To assist in the development and analysis of the Area Plan,
5. To assist the Area Agency in the conduct of public hearings,
6. To comment on the effectiveness of existing Title III and Title VII programs wherever possible,
7. To engage in joint planning on a multi-jurisdictional basis whenever possible,
8. To be involved in determining the most feasible facilities to serve as multipurpose senior centers and the most qualified local agencies to operate the programs in such centers in their jurisdictions. OAA Regs 1326.5 (b).

08.00.000 Area Plan Under Title III, General Discussion

Regulation References

References to rules and regulations basic to this section are included in part 903 1321 - Grants for State and Community Programs on Aging:

- . Subpart F - Designation of Area Agencies by the State Agency - Paragraph ~~903.66~~ 1321.66,
- . Subpart G - Area Plans on Aging - ~~903.82~~ 1321.82,
- . Subpart K - General - ~~903.140~~ 1321.140.

08.10.000 Overview - Area Plan Development and Approval

Responsive to Department Plan Criteria An Area Plan must be responsive to criteria set forth in the Department State Plan regarding delivery of social services to older persons. See OAA Regs. ~~903-78-(b)~~ 1321.78 (b), Development of the Area Plan, Section 08.20.240 of this manual and Criteria for Approval of Area Plan as found in the State Plan.

08.20.210 General

Powers and Responsibilities of Area Agencies Area Agencies are responsible for the conduct of activities under Area Plans. The Area Agency may enter into grants or contracts with public or private non-profit agencies or contracts with profit-making corporations. The Area Agency may enter into grants or contracts only after the Area Plan is approved. OAA Regs. ~~903-80~~ 1321.80, Guidelines 15.5.

08.40.600 Appeal of Denied Area Plans

Objectives An Area Agency will be provided an opportunity for a hearing before the Department in the event the Area Plan is denied. Any applicant in areas not covered by an Area Plan has a similar right to a hearing. OAA Regs. ~~903-140~~ 1321.140. Grant suspensions and terminations also may be appealed. The Director of the Department is responsible for making the final decision after conduct of a hearing.

08.60.000 Area Plan Preparation Guide

Summary This Guide was prepared for Illinois Area Agencies on Aging as a guideline in developing Area Plans required for funding under Title III of the Older Americans Act of 1965, as amended.

Each Area Agency has its own unique environment and requirements for a service delivery system which can only be addressed at the individual Area Agency level. The purpose of this Guide is to help the Area Agency develop its plans more easily and move through the funding process more quickly.

It is suggested that the Area Agency read and fully acquaint itself with the Federal regulations regarding Area Agencies. See Federal Register, ~~Volume 38, Number 196---October 11, 1973, Part-903~~ Volume 42, Number 220, November 15, 1977, Part 1321 - Grants for State and Community Programs on Aging.

10.10.000 Awards Under Title III

Objectives The objective of Title III is to encourage local agencies, coordinated and monitored by Area Agencies, to initiate, develop and fund a system of coordinated and comprehensive services for older persons. See OAA Regulations, ~~Part-903-1~~ 1321.1, Purpose of the Program. Such systems should attempt to:

- . secure and maintain maximum independence and dignity in home environment for individuals capable of self-care
- . remove the individual and social barriers to economic and personal independence for older persons including the opportunities for employment and volunteer activities.

10.10.130 Eligibility of Applicants

Local Funding The award applicants should attempt to provide a minimum of ten percent of project cost from local sources in accordance with ~~Chapter IX, paragraph 903.83-(b)~~ Chapter XIII, Subchapter C, 1321.83 (b) of the Older Americans Act. Area Agencies on Aging, however, in appropriate cases, may require a higher percentage from local funding of the project cost.

POLICY AND PROCEDURAL MANUAL, GRANTEE/TITLE VII

02.40.400 Sources of Policy and Procedure

Summary Material contained in the Policy and Procedural manual generates from the following sources:

- a. Title VII of the Older Americans Act of 1965, as amended,
- b. Title 45, ~~Chapter IX of the Code of Federal Regulations~~ Chapter XIII, HEW, Subchapter C, Administration on Aging, of the Code of Federal Regulations,
- c. Guidelines for Implementing Title VII of the Older Americans Act of 1965, as amended. Administration on Aging, HEW, Fiscal 1974,
- d. Illinois Act on Aging of 1973, Public Act 78-242,
- e. Federal Management Circular 74-4 and 74-7,
- f. Guide to Effective Project Operations, Administration on Aging, HEW,
- g. Illinois Revised Statutes,
- h. The COMSTAC REPORT: Standards for Strengthened Services, Commission on Standards and Accreditation of Services for the Blind, Department of Public Aid,
- i. Policy issuance memoranda of the Administration on Aging,
- j. Applicable Federal statutes.

POLICY AND PROCEDURAL MANUAL, GRANTEE/TITLE III

02.10.400 Sources of Policy and Procedure

Summary

Material contained in the Policy and Procedural manual generates from the following sources:

- a. Title III of the Older Americans Act of 1965, as amended,
- b. Title 45, ~~Chapter IX of the Code of Federal Regulations~~ Chapter XIII, HEW, Subchapter C, Administration on Aging, of the Code of Federal Regulations,
- c. Guidelines for Implementing Title III of the Older Americans Act of 1965, as amended, Administration on Aging, HEW, Fiscal 1974,
- d. Illinois Act on Aging of 1973, Public Act 78-242,
- e. Federal Management Circular 74-4 and 74-7,
- f. Guide to Effective Project Operations, Administration on Aging, HEW,
- g. Illinois Revised Statutes,
- h. The COMSTAC REPORT: Standards for Strengthened Services, Commission on Standards and Accreditation of Services for the Blind, Department of Public Aid,
- i. Policy issuance memoranda of the Administration on Aging,
- j. Applicable Federal statutes.

NOTICE
PROPOSED EMERGENCY AMENDMENT

The Illinois Department on Aging pursuant to Illinois Revised Statutes, Chapter 23, paragraphs 6101 et al, amends Section 10.00.000, General Discussion, on page 10-01 of the Policy and Procedural Manual, Grantee/Title III and Section 10.00.000, General Discussion, on page 10-01 of the Policy and Procedural Manual, Grantee/Title VII, by the repealing the words "initial staffing" found under Title V in both manuals.

This emergency amendment repealing the words "initial staffing" in Section 10.00.000, General Discussion, under Title V, of both the above mentioned manuals is necessary to make the description of Title V conform with the description of Title V found in the Federal Regulations, Chapter XIII, HEW, Subchapter C, Administration on Aging, Older Americans Program, Part 1326, so that parties applying for Title V grants will have an accurate description of the provisions of Title V of the Older Americans Program.

In accordance with Section 6 (c)(?) of the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1975, Ch. 127, §1006 (c)) this rule is effective immediately upon filing with the Secretary of State. The Department will undertake appropriate measures to make known this emergency amendment to their rules to all persons affected by it.

Section 10.00.000, General Discussion, of the Policy and Procedural Manual, Grantee/Title III and Section 10.00.000, General Discussion, of the Policy and Procedural Manual, Grantee/ Title VII as originally written with the deletion crossed out and as it is now written follows:

If any interested persons wish to present their views concerning this emergency amendment to the rules of the above mentioned Policy and Procedural Manuals of the Illinois Department on Aging, they may do so by sending written comments to the attention of Mrs. Josephine B. Oblinger, Director, Department on Aging, 2401 West Jefferson Street, Springfield, Illinois 62706. The Department will consider all written comments received by the Department within 14 days, beginning on the day of the publication of this notice.

POLICY AND PROCEDURAL MANUAL GRANTEE/TITLE III

10.00.000 General Discussion

Objective Grant awards are made to local community programs to foster the development of comprehensive and coordinated service programs to serve older persons. These awards are made under the power of the following Titles or Sections, of the Older Americans Act of 1965.

Title III A grant program which provides for Federal-State-local grants to support Area Agencies and local community projects. The program is intended to support activities which provide specific services to older persons. See Section 10.10.110.

Title IV A grant program to foster training and research which promotes the well-being of older persons.

Title V A program which provides for the

- . acquiring
- . altering
- . renovating
- . ~~initial-staffing~~

of multi-purpose senior centers.

Title VII A Federal-State-local grant program to be administered by the State Department on Aging which provides area and local nutritional projects for older persons. See Grants Section of separate Title VII Manual.

The following is the above rule as revised and amended by repealing the words "initial staffing."

10.00.000 General Discussion

Objective Grant awards are made to local community programs to foster the development of comprehensive and coordinated service programs to serve older persons. These awards are made under the power of the following Titles, or Sections, of the Older Americans Act of 1965.

Title III A grant program which provides for Federal-State-local grants to support Area Agencies and local community projects. The program is intended to support activities which provide specific services to older persons. See Section 10.10.110.

Title IV A grant program to foster training and research which promotes the well-being of older persons.

- Title V A program which provides for the
- . acquiring
 - . altering
 - . renovating
- of multi-purpose senior centers.
- Title VII A Federal-State-local grant program to be administered by the State Department on Aging which provided area and local nutritional projects for older persons. See Grants Section of separate Title VII Manual.

POLICY AND PROCEDURAL MANUAL, GRANTEE/TITLE VII

10.00.000 General Discussion

- Objective Grants are made to local community programs to foster the development of comprehensive and coordinated service programs to serve older persons. These grants are made under the authority of the following Titles, or Sections of the Older Americans Act of 1965, as amended.
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NOTICEEMERGENCY AMENDMENT

The Illinois Department on Aging proposes the following emergency amendment to Policy and Procedural Manual, Grantee/Title III, Section 10.10.110, Purposes For Which Grants Are Made, page 10-12, pursuant to Illinois Revised Statutes Chapter 23, paragraphs 6101 et al.

The emergency amendment is necessary to add the definition of the service "Outreach" with its accompanying definition of a unit of service for Outreach to this Section so that the list of services in the Policy and Procedural Manual, Grantee/Title III, will correspond to the list of services for which grants are made in the Policy and Procedural Manual, Area Agency.

In accordance with Section 6 (c)(2) of the Illinois Administrative Procedure Act (Illinois Rev. Stat., 1975, Chap. 127, §1006 (6)) this rule is effective immediately upon filing with the Secretary of State. The Department will undertake appropriate measures to make known this emergency amendment to their rules to all persons affected by it.

If any interested persons wish to present their views concerning this emergency amendment to the Policy and Procedural Manual, Grantee/Title III, Section 10.10.110, they may do so by sending written comments to the attention of Mrs. Josephine K. Oblinger, Director, Department on Aging, 2401 West Jefferson, Springfield, Illinois 62706. The Department will consider all written comments received by the Department within 14 days beginning on the date of the publication of this notice.

The addition to Policy and Procedural Manual, Grantee/Title III, Section 10.10.110 follows:

Service	Definition	Unit of Service
Outreach	Home visits by staff to older persons before unknown to the local service system. Services include search and find activities, informing of benefits, and assisting them in gaining access to needed services.	One hour of staff time expended on behalf of client(s)

Notice of Emergency Rule AdoptionIllinois Department of Public Health
Part II, Rules and Regulations for
the Family Practice Residency Act

The Illinois Department of Public Health has adopted the attached Rules and Regulations for Scholarship Loans to Medical Students (Part II of the Rules and Regulations for the Family Practice Residency Act), pursuant to the Family Practice Residency Act (Chapter 144, Section 1451 et. seq., 1977). These rules were adopted on an emergency basis in accordance with Section 5(b) of the Illinois Administrative Procedure Act. An emergency filing was deemed necessary so sufficient time would be available for eligible medical students to apply for grants, and for the Department to evaluate and process applications, in order that grant awards can be made in this fiscal year out of the current appropriation. It is in the public interest to utilize all funds available for this program.

These rules and regulations were approved by the Advisory Committee on February 2, 1978, promulgated by the Director on February 9, 1978, and filed with the Secretary of State on February 10, 1978, to be effective immediately.

The regulations contain descriptions of eligibility for scholarships under the Illinois Family Practice Residency Act, the service commitment required, and the penalties for failure to comply with those terms. The text of the rules and regulations follows:

Part II, Rules and Regulations
Family Practice Residency Act

Table of Contents

Rule 6.00	Summary Statement
Rule 7.00	Eligibility
Rule 8.00	Terms
Rule 9.00	Penalties
Rule 10.00	Application
Rule 11.00	Award of Grants

6.00 General Statement (Summary)

6.01 These rules and regulations are applicable to the award grants to students who are Illinois residents and who are enrolled in schools of medicine or osteopathy in Illinois; and who contract to practice medicine in a designated shortage area in the State.

7.00 Eligibility

7.01 Any medical or osteopathy student who is an Illinois resident enrolled in an Illinois school certified by the school as being eligible to receive financial aid and who contracts to practice medicine in a designated shortage area within the State.

- 7.01.1 Preference will be given to first-year students who reside in a designated shortage area at the time of school enrollment.
- 7.01.2 No student is eligible to receive funds from the Department and from another scholarship or loan program requiring a service commitment.
- 7.01.3 Eligible cost includes tuition plus fees plus \$400.00 per month living stipend.

8.00 Terms

- 8.01 For each year that a student receives funds under this program, that student is required to practice medicine for one year in a designated shortage area of the State for full forgiveness of that year's loan.
 - 8.01.1 Service may begin after licensure as M.D. or D.O. or service may be deferred until completion of an approved residency program in primary care.
 - 8.01.2 At the discretion of the Director, service may be deferred until completion of a non-primary care residency.
 - 8.01.3 Preference of location will be given to those individuals who have completed residency training programs.

9.00 Penalties

9.01 Students who fail to complete medical education because of academic failure will be released from payback obligation.

9.01.1 All obligations are cancelled in case of death or permanent disability.

9.02 Those students who finish school and choose not to comply with the service commitment must reimburse the State of Illinois in the ratio of 3/1 for all funds received.

9.02.1 This reimbursement may take place over a period of time equal to the originally required period of service.

9.02.2 This reimbursement shall begin upon completion of the graduate medical education program.

10.00 Application

10.01 Application shall be made through the financial aid office of the school.

10.01.1 Those criteria used by the school to establish financial need will be acceptable by the Department.

11.00 Awards

11.01 Grants will be made on a semi-annual basis directly to the student.

11.02 The student is required to notify the Department upon withdrawal from school.



ALAN J. DIXON
Secretary of State

NOTICE TO ILLINOIS REGISTER SUBSCRIBERS

EFFECTIVE JANUARY 1, 1978 THE ILLINOIS REGISTER WILL COMMENCE AN ANNUAL SUBSCRIPTION FEE OF \$52.00 PER YEAR. THIS IS TO COVER THE EVER GROWING PUBLICATION COSTS AND MAILING.

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